

STATE OF MICHIGAN
COURT OF APPEALS

AMY PATTERSON,

Plaintiff-Appellant,

v

WILLIAM MICHAEL CARROLL,

Defendant-Appellee.

UNPUBLISHED

January 19, 2010

No. 289487

Wayne Circuit Court

LC No. 07-726076-NI

Before: Murphy, C.J., and Jansen and Zahra, JJ.

MURPHY, C.J. (*concurring*).

I concur in affirming the trial court because under MCL 500.3135(2)(b) “damages shall be assessed on the basis of comparative fault, except that damages shall not be assessed in favor of a party who is more than 50% at fault.” Even if testimony should have been considered that defendant was going 10 miles per hour over the posted speed limit of 45 miles per hour, reasonable minds would not differ that plaintiff was more than 50% at fault when she pulled away from the posted stop sign.

/s/ William B. Murphy